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13 February 1979

MEMORANDUM FOR: Deputy Director of Central Intelligence
 Deputy Director for Operations
 Deputy Director for National Foreign Assessment
 Deputy Director for Science and Technology
 Deputy Director for Administration
 General Counsel

5X1 FROM : [redacted]
 Chief, Information Systems Analysis Staff

SUBJECT : Compliance with Executive Order 12065--Requests for
 ISO0 Waivers of Certain Classification Review
 Requirements ("")

5X1 REFERENCES : A. [redacted]
 B. Letter from the Archivist of the United States
 dated 19 December 1978, attached (w/enclosure)
 C. Letter from the DCI dated 1 December 1978, attached
 D. [redacted]
 E. DCI Memorandum dated 21 December 1978, attached
 (w/o enclosure)

1. As addressees are aware, E.O. 12065 (effective 1 December 1978) provides that classified information under Agency jurisdiction must be systematically reviewed for declassification as it becomes 20 years old. "Foreign government information" (see paragraph 3f below) is exempt from the 20-year review requirements, but must be reviewed as it becomes 30 years old. The Order also requires issuance by 31 May 1979 of Agency guidelines for conducting such reviews. [redacted]

2. These guidelines, to be published in the Federal Register as mandated by the Order, must enable the U.S. Archivist to identify information requiring review by CIA and must also provide guidance for the Agency's own classification review process. The Order requires the guidelines to "state specific, limited categories of information which, because of their unusual security sensitivity, should not be declassified automatically but should be reviewed item-by-item to determine whether continued protection beyond twenty years is needed." The guidelines must also state that the information in each category will either be automatically declassified within 10 years after such review or will

ENCLOSURE 3

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CONFIDENTIAL

Approved For Release 2004/04/15 : CIA-RDP83-00156R000300010056-3

SUBJECT: Compliance with Executive Order 12065--Requests for ISOO
Waivers of Certain Classification Review Requirements [redacted]

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be reviewed again within another 10 years--unless this 10-year re-review requirement is waived by the Information Security Oversight Office (ISOO). See also Reference A (paragraphs 15d and 15e), Reference B (paragraph B1), and, as regards the mission and functions of the ISOO, Reference D (paragraphs a, b, and c). [redacted]

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3. Preparation of the required guidelines is the responsibility of the Classification Review Group (CRG), ISAS/DDA (see Reference A, paragraphs 14 and 15), in coordination with addressees. The CRG has tentatively identified the following general categories of information for which ISOO waivers of the 10-year re-review requirement would be desirable:

a. Unevaluated intelligence disseminations in the SO, DB, and OO series (as well as similar disseminations in the CS, FIR, etc. series), along with intelligence reporting from field stations, in which the format, subject matter, source descriptions, and/or other content could, in sequential aggregates of such material, reveal the interests, requirements, and scope of Agency collection activities in particular countries or areas and could also identify certain intelligence sources or methods. [redacted]

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[Note: Per Reference C, the DCI has already apprised the Archivist of the need to continue classification protection of information in this category beyond twenty years and has indicated that it is planned to seek ISOO waiver of the 10-year re-review requirement for such information. A waiver specifying re-review 30 years following the initial review seems appropriate for this category.] [redacted]

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b. Counterintelligence information concerning the missions, functions, activities, organization, and/or personnel of foreign intelligence or security services, or other foreign organizations or groups engaged in or capable of activities inimical to U.S. interests, for which the Agency is the primary United States Government repository pursuant to the provisions of the National Security Act of 1947 as further detailed in NSCID 5 of 17 February 1972. [redacted]

[Note: Information within this general CI category, will, of course, vary considerably as to the length of time during which it will remain sensitive and thus require continued classification protection. To the extent that this sensitivity-duration can be gauged for various specific types of CI material, several kinds of ISOO waivers could appropriately be requested; e.g., the types of information assessed as requiring the longest period of protection could be placed under a waiver specifying

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CONFIDENTIAL

CONFIDENTIAL

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Waivers of Certain Classification Review Requirements

25

re-review within 50 years of the initial review for declassification; those which would retain sensitivity for more than 20 years after initial review but are likely to have lost it in less than 50 years could be re-reviewed in 40 or even 30 years, while some may require no waivers at all. The CRG will coordinate and work with DO/IMS and the CI Staff, as appropriate, to identify and define as precisely as possible the kinds of CI information for which ISOO waivers of the 10-year re-review requirement may be needed, as well as the re-review intervals appropriate for each.]

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c. Other information for which ISOO waiver(s) of the 10-year re-review requirement could appropriately be requested in line with the DCI's authority under E.O. 12065 to "establish special procedures for systematic review and declassification of classified information concerning the identities of clandestine human agents (Reference A, paragraph 15f)."

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d. Information subject to special access programs (section 4-2 of E.O. 12065 and various provisions of E.O. 12036, dated 24 January 1978), including Sensitive Compartmented Information (SCI).

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[Note: Reference C provides policy and guidance for the initial classification of information in the above two categories (c and d) under E.O. 12065, but does not address the matter of its handling under this Order's provisions concerning systematic review for declassification. One or more ISOO waivers of the 10-year re-review requirement would seem desirable, depending upon the number and nature of the "specific, limited categories of information" into which the general categories described in c and d above may be subdivided. In many if not most cases, such information seems likely to require extension of classification for more than 20 years after initial classification review (i.e., the initial review would probably establish a need for such extension). Waivers specifying re-review in 50 years for information in categories of greatest sensitivity, and in 30 years for that in less sensitive ones, would appear to be appropriate here.]

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e. "Cryptologic information" (Reference A, paragraph 15g) held by the Agency or for which the Agency is responsible.

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[Note: By specific provision of the Executive Order, the Secretary of Defense has authority in this area. It is assumed that any ISOO waivers of re-review requirements that may be needed for this information category will be requested and justified by the Secretary of Defense.]

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Approved For Release 2004/04/15 : CIA-RDP83-00156R000300010056-3

SUBJECT: Compliance with Executive Order 12065--Requests for ISOO
Waivers of Certain Classification Review Requirements

25

f. "Foreign government information" (Reference A, paragraph 9b) furnished to the Agency as a result of liaison arrangements. The Order bars automatic declassification of such information without the consent of the foreign governments or organizations concerned, but provides that after the initial review it must be re-reviewed for declassification at 10-year intervals unless this requirement is waived by the ISOO.

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[Note: Re-review of liaison information every 10 years could entail a large volume and constant flow of correspondence between the Agency and the foreign entities concerned, to the inevitable detriment of our liaison relationships. It has been our experience to date that such entities overwhelmingly oppose declassification of information they have given us. A waiver providing for the re-review 50 years after the initial review would seem appropriate for such information.]

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4. Addressees' comments, and especially their identification of any additional categories of information for which they may desire ISOO waivers of re-review requirements together with suitable justifications therefore, are needed by COB on 28 February 1979.

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